

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CRIMINAL CASE NO. 1:07-cr-00056-MR-DLH**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**REGINALD DEWAYNE JEFFRIES,**

**Defendant.**

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**ORDER**

**THIS MATTER** is before the Court *sua sponte*.

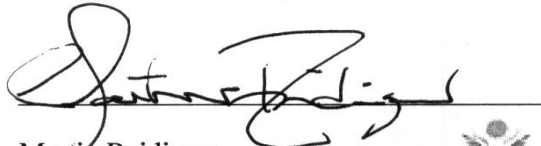
The Court has determined that the Petitioner is entitled to relief in his 28 U.S.C. §2255 proceeding based on his claim that his sentence was improperly enhanced under 21 U.S.C. §§ 841(b)(1)(C) and 851, but that he is not entitled to any relief therein based on his having been sentenced as a career offender under U.S.S.G. § 4B1.1. [Doc. 83]. The Petitioner is currently rescheduled for resentencing during the April 2014 sentencing term.

Prior to the resentencing hearing, the Court desires the parties to brief the issue of whether the mandate rule requires that the Petitioner be sentenced as a career offender at resentencing.

**IT IS, THEREFORE, ORDERED** that within thirty (30) days of the entry of this Order, the parties shall submit briefs, not to exceed ten (10) pages in length, addressing the issue of whether the mandate rule requires that the Petitioner be sentenced as a career offender at resentencing.

**IT IS SO ORDERED.**

Signed: January 28, 2014

  
Martin Reidinger  
United States District Judge

